

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAY 26 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAR 12 2003 under 69626

The applicant **Barker Homes, Inc.**, a Nevada corporation hereby makes application for permission to change the **Point of Diversion, Place and Manner of Use of a portion** of water heretofore appropriated under **Claim 337/338 of the Truckee River Decree**, said Decree entered by the **District Court of the United States for Nevada** in that certain action entitled "**The United States of America, Plaintiff, vs. Orr Water Ditch Company, et al., Defendants**", in Equity Docket A-3.

1. The source of water is **Truckee River**
2. The amount of water to be changed **29.12 afa and a prorata share of the diversion rate**
3. The water to be used for **Municipal and domestic**
4. The water heretofore permitted for **As Decreed**
5. The water is to be diverted at the following point **The points of diversion of Truckee Meadows Water Authority's existing water treatment plants as described in attached Exhibit "A" and as shown on the map supporting Application No. 69626 on file with the Division of Water Resources, State of Nevada.**
6. The existing permitted point of diversion is located within **the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, T.19N., R.19E., M.D.M., or at a point from which the SW corner of said Section 17 bears South 44°40' West a distance of 3211 feet. Orr Ditch per Orr Ditch Decree.**
7. Proposed place of use **See attached Exhibit "B" and as shown on the map that accompanied Application No. 69626.**
8. Existing place of use **See attached Exhibit "C" and as shown on Maps TR-049-2 & TR-049-4, on file with the Division of Water Resources, State of Nevada.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As Decreed.**
11. Description of proposed works **Water will be diverted by existing T.M.W.A. facilities, treated and placed into the existing distribution system.**
12. Estimated cost of works **Completed**
13. Estimated time required to construct works **Completed**
14. Estimated time required to complete the application of water to beneficial use **10 years**

15. Remarks: This application transfers 29.12 acre feet of water for future use by Barker Homes, Inc.

By s/George G. Lindesmith
George G. Lindesmith
Tri State Surveying 1925 E. Prater Way
Sparks, Nevada 89434

Compared cmf/sam ef/gkl_____

Protested_____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner of use and place of use of a portion of the waters of the Truckee River as heretofore granted under Claims 337/338, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.10 cubic feet per second, **but not to exceed 29.12 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A

Proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use on or before:

September 29, 2016

Proof of the application of water to beneficial use shall be filed on or before:

October 29, 2016

Map in support of proof of beneficial use shall be filed on or before:

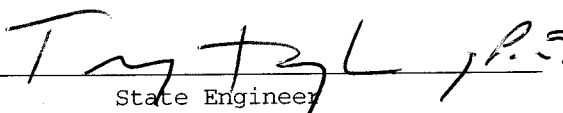
N/A

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **29th** day of **September,** A.D. **2006**


State Engineer

Completion of work filed March 12, 1997 under 60929

Proof of beneficial use filed _____

Cultural map filed _____

N/A

Certificate No. _____

Issued _____

EXHIBIT "A"

The following describes the multiple points of diversion for Truckee Meadows Water Authority Water Treatment Plants, which are shown on the map accompanying Application No. 69626 on file with the State of Nevada, Division of Water Resources, more particularly described as follows:

STEAMBOAT CANAL (HUNTER CREEK RESERVOIR):

The existing point of diversion is situated within the Northeast one-quarter of the Southwest one-quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 31, T.19N., R.18E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Southeast corner of said Section 31 bears South 62°04' East, a distance of 3,195.00 feet.

HIGHLAND DITCH (HIGHLAND RESERVOIR):

The existing point of diversion is situated within the Southwest one-quarter of the Southeast one-quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 9, T.19N., R.18E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Southeast corner of said Section 9 bears South 75°16' East, a distance of 1,650.00 feet.

IDLEWILD TREATMENT PLANT:

The existing point of diversion is situated within the Southeast one-quarter of the Southeast one-quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, T.19N., R.19E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Southeast corner of said Section 10 bears South 69°57'58" East, a distance of 842.34 feet.

NORTH TRUCKEE DITCH (GLENDALE TREATMENT PLANT):

The existing point of diversion is situated within the Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 7, T.19N., R.20E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Northeast corner of said Section 7 bears North 39°28' East, a distance of 3,015.00 feet.

ORR DITCH PUMP STATION (CHALK BLUFF TREATMENT PLANT):

The point of diversion is situated within the Northeast one-quarter of the Southeast one-quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17, T.19N., R.19E., M.D.B.&M., Washoe County, Nevada, from said point of diversion the Northeast corner of said Section 17 bears North 15°39'36" East, a distance of 3,264.77 feet.

ORR DITCH (CHALK BLUFF TREATMENT PLANT):

The point of diversion is situated within the Northeast one-quarter of the Southwest one-quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, T.19N., R.19E., M.D.B.&M., Washoe County, Nevada, from said point of diversion the Southwest corner of said Section 17 bears South 44°40' West, a distance of 3,211.00 feet.

EXHIBIT "B"
PROPOSED PLACE OF USE

<u>DIVISION</u>	<u>SECTION</u>	<u>T-N</u>	<u>R-E</u>	
ALL	1-5	18	18	M.D.B.&M.
E½	6&7	18	18	M.D.B.&M.
ALL	8-17	18	18	M.D.B.&M.
E½	18&19	18	18	M.D.B.&M.
ALL	20-29	18	18	M.D.B.&M.
E½	30&31	18	18	M.D.B.&M.
ALL	32-36	18	18	M.D.B.&M.
ALL	1-5	19	18	M.D.B.&M.
E½	6&7	19	18	M.D.B.&M.
ALL	8-17	19	18	M.D.B.&M.
E½	18&19	19	18	M.D.B.&M.
ALL	20-29	19	18	M.D.B.&M.
E½	30&31	19	18	M.D.B.&M.
ALL	32-36	19	18	M.D.B.&M.
ALL	1-5	20	18	M.D.B.&M.
E½	6&7	20	18	M.D.B.&M.
ALL	8-17	20	18	M.D.B.&M.
E½	18&19	20	18	M.D.B.&M.
ALL	20-29	20	18	M.D.B.&M.
E½	30&31	20	18	M.D.B.&M.
ALL	32-36	20	18	M.D.B.&M.
ALL	1-5	21	18	M.D.B.&M.
E½	6&7	21	18	M.D.B.&M.
ALL	8-17	21	18	M.D.B.&M.
E½	18&19	21	18	M.D.B.&M.
ALL	20-29	21	18	M.D.B.&M.
E½	30&31	21	18	M.D.B.&M.
ALL	32-36	21	18	M.D.B.&M.
ALL	1-36	18	19	M.D.B.&M.
ALL	1-36	19	19	M.D.B.&M.
ALL	1-36	20	19	M.D.B.&M.
ALL	1-36	21	19	M.D.B.&M.
ALL	2-35	18	20	M.D.B.&M.
W½	36	18	20	M.D.B.&M.
ALL	1-12	19	20	M.D.B.&M.
ALL	14-23	19	20	M.D.B.&M.
ALL	26-35	19	20	M.D.B.&M.
ALL	1-36	20	20	M.D.B.&M.
ALL	1-36	21	20	M.D.B.&M.
ALL	1-36	20	21	M.D.B.&M.
ALL	1-36	21	21	M.D.B.&M.

SEE SUPPORTING MAP ON FILE WITH APPLICATION NO. 69626

EXHIBIT "C"
BARKER HOMES, CLAIM 337/338
EXISTING PLACE OF USE, ITEM #8

Application # **71249**

Diversion	40-acre Sub'n.		Section	Township	Range	Claim #	APN	ACREAGE	DUTY
Orr Ditch	SW	NW	35	20N.	20E.	337/338	30-123-02	0.18	0.72
	NW	NW	35	20N.	20E.	337/338	30-123-02		
	SW	NW	35	20N.	20E.	337/338	30-124-05	0.15	0.60
	NW	NW	35	20N.	20E.	337/338	30-124-05		
	NW	NW	35	20N.	20E.	337/338	30-124-08	0.18	0.72
	SW	NW	35	20N.	20E.	337/338	30-124-13	0.16	0.64
	SW	NW	35	20N.	20E.	337/338	30-124-19	0.18	0.72
	SW	NW	35	20N.	20E.	337/338	30-124-29	0.17	0.68
	SW	NW	35	20N.	20E.	337/338	30-124-32	0.22	0.88
	SW	NW	35	20N.	20E.	337/338	30-124-33	0.22	0.88
	SE	NE	34	20N.	20E.	337/338	30-124-39	0.16	0.64
	SW	NW	35	20N.	20E.	337/338	30-124-39		
	NE	NE	34	20N.	20E.	337/338	30-124-40	0.15	0.60
	SE	NE	34	20N.	20E.	337/338	30-124-40		
	SE	NE	34	20N.	20E.	337/338	30-125-04	0.23	0.92
	SW	NW	35	20N.	20E.	337/338	30-126-07	0.19	0.76
	SW	NW	35	20N.	20E.	337/338	30-126-09	0.17	0.68
	SW	NW	35	20N.	20E.	337/338	30-126-10	0.17	0.68
	SW	NW	35	20N.	20E.	337/338	30-126-14	0.26	1.04
	SW	NW	35	20N.	20E.	337/338	30-126-16	0.18	0.72
	SW	NW	35	20N.	20E.	337/338	30-126-17	0.19	0.76
	NW	NW	35	20N.	20E.	337/338	30-134-03	0.14	0.56
	NW	NW	35	20N.	20E.	337/338	30-134-05	0.15	0.60
	NW	NW	35	20N.	20E.	337/338	30-134-06	0.18	0.72
	NW	NW	35	20N.	20E.	337/338	30-134-07	0.17	0.68
	NW	NW	35	20N.	20E.	337/338	30-134-09	0.28	1.12
	NW	NW	35	20N.	20E.	337/338	30-134-10	0.26	1.04
	NW	NW	35	20N.	20E.	337/338	30-134-11	0.30	1.20
	NW	NW	35	20N.	20E.	337/338	30-134-12	0.25	1.00
	NW	NW	35	20N.	20E.	337/338	30-134-13	0.18	0.72
	NW	NW	35	20N.	20E.	337/338	30-134-31	0.14	0.56
	NE	NE	34	20N.	20E.	337/338	30-134-31		
	NE	NE	34	20N.	20E.	337/338	30-137-09	0.15	0.60
	NE	NE	34	20N.	20E.	337/338	30-137-11	0.26	1.04
	NE	NE	34	20N.	20E.	337/338	30-137-15	0.17	0.68
	NE	NE	34	20N.	20E.	337/338	30-138-01	0.15	0.60
	NE	NE	34	20N.	20E.	337/338	30-138-03	0.15	0.60
	NE	NE	34	20N.	20E.	337/338	30-138-04	0.15	0.60
	NE	NE	34	20N.	20E.	337/338	30-138-06	0.19	0.76
	NE	NE	34	20N.	20E.	337/338	30-138-07	0.16	0.64
	NW	NW	35	20N.	20E.	337/338	30-138-07		
	NW	NW	35	20N.	20E.	337/338	30-151-01	0.19	0.76
	NW	NW	35	20N.	20E.	337/338	30-151-03	0.14	0.56
	NW	NW	35	20N.	20E.	337/338	30-152-09	0.15	0.60
	SE	NW	34	20N.	20E.	337/338	36-283-13	0.21	0.84

TOTALS

7.28 29.12